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JUN 30 2006

OFFICE OF PETITIONS

In re Patent of :
O'Gorman et al. :
Application No. 10/089,987 : DECISION
Filed: April 5, 2002 : ON PETITION
Title of Invention: :
SPOOF DETECTION FOR BIOMETRIC :
SENSING SYSTEMS :

This is a decision on the Petition to Reissue Office Communication Under 37 CFR §1.181, filed June 2, 2006. The Request is properly treated as a petition to withdraw the holding of abandonment under 37 CFR §1.181(a). Applicant alternatively requests revival of the application under 37 CFR 1.137(b).

The petition is **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed April 14, 2005. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). No reply having been filed, this application became abandoned July 15, 2005. The mailing of this Decision precedes the mailing of a Notice of Abandonment.

The instant petition

Applicants request that the holding of abandonment in this application be withdrawn because a change of correspondence address filed June 29, 2005, contained the correct customer number. Applicants acknowledge that, at the mailing of the Office action, the correspondence address of record was no longer valid.

Applicable Law, Rules and MPEP

5 U.S.C. 133, Time for prosecuting application, provides:

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

Analysis

Applicant is advised that the application became abandoned for failure to reply timely and properly to the non-final Office action mailed April 14, 2005. At the time of the mailing of the Office action, Applicant had failed to correct the correspondence address, the result of which was that the Office action was returned to this Office as undeliverable by the USPS.

The petition to withdraw the holding of abandonment is dismissed.

Petition under 37 CFR 1.137(b)

With the instant petition, Petitioner has satisfied the requirements of a grantable petition under 37 CFR 1.137(b). A response to the Office action has been filed with the instant petition. Accordingly, the petition is granted.

This application is being forwarded to Technology Center Art Unit 2624 for processing of the response, filed June 2, 2006, in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

A handwritten signature in black ink, appearing to read "Derek L. Woods". The signature is written in a cursive, flowing style.

Derek L. Woods
Attorney
Office of Petitions